

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY

**Caption in Compliance with D.N.J. LBR 9004-1( b)**

Denise Carlon, Esq.  
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701 Market Street, Suite 5000  
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THE BANK OF NEW YORK MELLON F/K/A THE  
BANK OF NEW YORK as successor in interest to JP

In Re:  
Dulcidio Varinho Fernandes



Order Filed on June 21, 2024  
by Clerk  
U.S. Bankruptcy Court  
District of New Jersey

Case No: 23-20495 JKS

Hearing Date:

Judge: John K. Sherwood

Chapter: 13

Recommend Local Form

☐ Followed

☐ Modified

**ORDER GRANTING MOTION FOR RELIEF**

The relief set forth on the following page is hereby ordered **ORDERED**.

**DATED: June 21, 2024**

  
\_\_\_\_\_  
Honorable John K. Sherwood  
United States Bankruptcy Court

Upon the motion of THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK as successor in interest to JP Morgan Chase Bank, N.A. as Trustee for Structured Asset Mortgage Investments II Trust 2006-AR4 Mortgage Pass-Through Certificates Series 2006-AR4, under Bankruptcy Code section 362(d) for relief from the automatic stay as to certain property as hereinafter set forth, and no objection(s) having been filed, and for cause shown, it is

ORDERED that the motion is granted and the stay is terminated to permit the movant to institute or resume and prosecute to conclusion one or more actions in the court(s) of appropriate jurisdiction to pursue the movant's rights in the following:

☒ Real Property More Fully Described as:

**Land and premises commonly known as Lot 36, Block 267, 160 Tappan Street,  
Kearny NJ 07032**

☐ Personal Property More Fully Describes as:

It is further ORDERED that the movant, its successors or assignees, may proceed with its rights and remedies under the terms of the subject Mortgage and pursue its State Court remedies including, but not limited to, taking the Property to Sheriff's Sale, in addition to potentially pursuing other loss mitigation alternatives, including, but not limited to, a loan modification, short sale or deed-in-lieu foreclosure. Additionally, any purchaser of the Property at Sheriff's Sale (or purchaser's assignee) may take any legal action for enforcement of its right to possession of the Property.

It is further ORDERED that the movant may join the debtor and any trustee appointed in this case as defendants in its action(s) irrespective of any conversion to any other chapter of the Bankruptcy Code.

It is further ORDERED that the movant shall be permitted to reasonably communicate with Debtor(s) and Debtor(s)' counsel to the extent necessary to comply with applicable non-bankruptcy law.

It is further ORDERED that the Trustee is directed to cease in making any further distributions to the Creditor.

The movant shall serve this order on the debtor, any trustee and any other party who entered an appearance on the motion.

*rev. 11/14/2023*